

## District of Columbia Office of Energy

## NOTICE OF FINAL RULEMAKING

The Director of the D.C. Energy Office, with the concurrence of the Gas Station Advisory Board, pursuant to section 5-301(h) of the Retail Service Station Act of 1976, effective April 19, 1977, D.C. Law 1-123, D.C. Official Code § 36-304.01(h)(2001), hereby gives notice of the adoption of the following amendments to Chapter 22 of Title 1 of the District of Columbia Municipal Regulations (DCMR), Mayor and Executive Agencies, which were published as final rules on July 1, 1988 (35 D.C.R. 5101). A proposed rulemaking was published in the D.C. Register on December 9, 2005 (52 D.C.R. 10711). No comments were received. Accordingly, these rules shall become effective on the date of publication of this notice in the D.C. Register.

Title 1 (Mayor and Executive Agencies) of the DCMR, Chapter 22 is amended by adding the following new sections to read as follows:

**2210** **CHAPTER 22**  
**GAS STATION ADVISORY BOARD RULES AND PROCEDURES**

**2210.1** **GENERAL PROVISION**

These regulations are in addition to the rules regulating the Office of Administrative Hearings (OAH.) Where there is a conflict, the OAH regulations will prevail.

**2211** **NOTICE OF INFRACTION**

**2211.1** A Notice of Infraction ("NOI") shall be in the form prescribed by the Mayor's appointee or the Gas Station Advisory Board ("GSAB") Chairman and will be issued for infractions.

**2211.2** A NOI must include the following information:

- (a) The name and address of the respondent;
- (b) A citation to the law or rule that the respondent allegedly violated;
- (c) The amount of the fine;
- (d) The nature, time and place of the infraction;
- (e) Notification that:
  - (1) The respondent must request a hearing or pay the fine within fifteen days of the date the NOI was served on the respondent;
  - (2) A penalty equal to the amount of the fine may be imposed on the respondent if the respondent does not pay the fine within fifteen days;

(3) The respondent may request a hearing according to procedures described in the NOI;

(4) The respondent may pay by:

- (A) cash, which must be paid in person as directed in the NOI; or
- (B) certified check, postal or bank money order payable to the District of Columbia Treasurer, any of which may be submitted in person or by mail as directed in the NOI.

(5) If the respondent answers "Admit" or "Admit with Explanation," he or she must certify that each infraction on the NOI has been abated; and

(f) Any other information the Director may require.

2211.3 If the fine listed on the NOI is inconsistent with the fine listed in the statute, the respondent can be subject only to the lesser fine.

2211.4 Upon observing an infraction, the investigator may issue an NOI.

2211.5 A properly completed NOI signed by the issuing agent constitutes *prima facie evidence* of the statements contained in the Notice.

2211.6 Each incident of prohibited conduct constitutes a separate infraction subject to penalty.

## **2212 SERVICE OF THE NOTICE OF INFRACTION**

2212.1 The NOI must be served on the violator, the business owner, or the owner's agent by means of certified mail, personal service or conspicuous posting.

2212.2 An NOI served via U.S. mail must be sent to the respondent's last known home or business address.

2212.3 If service is made by certified mail, the petitioner must provide a copy of the return receipt of certified mail to the Office of Administrative Hearings within fifteen calendar days after a case is filed.

2212.4 If service is made by personal delivery, the petitioner may provide a certificate of service signed by the issuing agent.

2212.5 If service is made by posting, the petitioner must provide an affidavit of posting, stating when the NOI was posted and the duration of the posting.

**2213 ANSWERING THE NOTICE OF INFRACTION**

- 2213.1 A respondent answers an NOI by pleading Admit, Admit with Explanation, or Deny.
- 2213.2 An answer of Admit constitutes the respondent's acceptance of liability for the condition(s) cited in the NOI.
- 2213.3 An answer of Admit with Explanation must be accompanied by a written explanation and any other papers that might explain the circumstances surrounding the infraction.
- 2213.4 An answer of Deny indicates that the respondent accepts no liability for the condition(s) cited in the Notice of Infraction.

**2214 HEARINGS**

- 2214.1 Petitioner and respondent may represent themselves and be represented by counsel.
- 2214.2 Hearings may not be conducted by mail.

**2215 PAYMENT OF CIVIL SANCTIONS**

- 2215.1 An administrative law judge may impose monetary fines and penalties.
- 2215.2 All checks must be certified and made payable to "D.C. Treasurer."
- 2215.3 Payment of the fine does not relieve the respondent of the obligation to abate the infraction cited in the NOI.

Any person wishing to comment on these proposed rules should file written comments no later than thirty days after the date of publication of this notice in the D.C Register. Comments should be delivered or mailed to Christine V. Davis, General Counsel for the Department of Public Works, 2000 14<sup>th</sup> Street NW, 6<sup>th</sup> Floor, Washington, D.C. 20009. Copies of the proposed rules may be obtained at this address, as well.

## DEPARTMENT OF HEALTH

**NOTICE OF FINAL RULEMAKING**

The Director of the Department of Health, pursuant to the authority set forth under § 302(14) of the D.C. Health Occupations Revision Act of 1985, effective March 15, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1203.02(14)), and Mayor's Order 98-140, dated August 20, 1998, hereby gives notice of the adoption of the following amendments to Chapter 48 of Title 17 DCRM (Business, Occupations & Professions) (May 1990). The purpose of this rulemaking is to establish practice and supervisory guidelines for unlicensed chiropractic assistants. Notice of Proposed Rulemaking was published in the D.C. Register on December 9, 2005 at 52 DCR 10714. No comments were received concerning these rules and no changes have been made since publication as a Notice of Proposed Rulemaking. These rules will be effective upon publication of this notice in the D.C. Register.

**Chapter 48 (Chiropractic) of Title 17 DCMR (Business, Occupations & Professions) (May 1990) is amended to read as follows:**

**A new section 4810 is added to read as follows:**

**4810 PRACTICE OF CHIROPRACTIC ASSISTANTS**

4810.1 A chiropractic assistant may perform the following under the general supervision of a licensed doctor of chiropractic:

- (a) Case histories;
- (b) Diagnostic testing;
- (c) Therapeutic ancillary procedures.

4810.2 A chiropractic assistant may not perform the following:

- (a) Any tasks requiring manipulative or adjustment techniques;
- (b) The rendering of diagnostic results or interpretations;
- (c) Giving treatment advice without direct written orders from the Doctor of Chiropractic;
- (d) The taking of x-rays unless properly trained.

4810.3 A licensed doctor of chiropractic shall be fully responsible for all of the

actions performed by the chiropractic assistant during the time of the supervision and is subject to disciplinary action for any violation of the Act or this chapter by the person supervised.

**4899            DEFINITIONS**

**4899.1** As used in this chapter, the following terms shall have the meanings ascribed:

**Chiropractic assistant** – an unlicensed person who has completed an educational training program or has adequate experience or training acceptable to the Doctor of Chiropractic, who assists in basic health care duties in the practice of chiropractic under the general supervision of a Doctor of Chiropractic, and who performs delegated duties commensurate with the chiropractic assistant's education and training.

**General supervision** – supervision in which the supervisor is available on the premises and within vocal communication either directly or by a communication device at the time the chiropractic assistant is practicing.

## UNIVERSITY OF THE DISTRICT OF COLUMBIA

## NOTICE OF FINAL RULEMAKING

The Board of Trustees of the University of the District of Columbia hereby gives notice that on January 17, 2006, it took final action to adopt a revised Section 512 of Chapter 5, Facilities, Buildings, and Grounds, of Title 8, DCMR, the Rules of the University of the District of Columbia. Notice of Proposed Rulemaking was published on June 24, 2005, at 52 D.C. Register 5950. This amendment will be effective upon publication of this notice in the D.C. Register. The current title of section 512 shall be changed from "Names of Buildings" to "Names of Campus Facilities" and subsection 512.1 shall be changed from "University buildings shall be named by the Board of Trustees" to "University Campus Facilities shall be named by the Board of Trustees." The following revised section is adopted:

**512 NAMES OF CAMPUS FACILITIES**

**512.1 University Campus Facilities shall be named by the Board of Trustees.**